

**AMENDMENTS TO THE CLAIMS**

**This listing of claims will replace all prior versions and listings of claims in the application:**

**LISTING OF CLAIMS:**

1.-2. (cancelled).

3. (currently amended); ~~The digital camera according to claim 1, further comprising a~~  
digital camera capable of recording in a recording medium an image captured through an image  
pickup element, the digital camera comprising:

a priority setting device which sets priority of a captured image;

a recording device which records information indicative of the priority set by the priority  
setting device in association with the captured image when the captured image is recorded; and

a control device which, if the recording medium has an insufficient recording capacity  
when a new image is captured, erases an image recorded in the recording medium with priority  
lower than the new image and records the new image in the recording medium.

4. (original): The digital camera according to claim 3, further comprising a frame  
number automatic correcting device which assigns frame numbers in order of priority by using  
the information indicative of the priority.

5.-6. (cancelled).

7. (currently amended): ~~The digital camera according to claim 5, further comprising A~~  
digital camera capable of recording in a recording medium an image captured through an image  
pickup element, the digital camera comprising:

a priority setting device which sets priority of a captured image, the priority setting  
device allowing a user to select priority;

a recording device which records information indicative of the priority set by the priority  
setting device in association with the captured image when the captured image is recorded; and

a control device which, if the recording medium has an insufficient recording capacity  
when a new image is captured, erases an image recorded in the recording medium with priority  
lower than the new image and records the new image in the recording medium.

8. (original): The digital camera according to claim 7, further comprising a frame  
number automatic correcting device which assigns frame numbers in order of priority by using  
the information indicative of the priority.

9. -10. (cancelled).

11. (currently amended): ~~The digital camera according to claim 9, further comprising~~  
A digital camera capable of recording in a recording medium an image captured through an  
image pickup element, the digital camera comprising:

a priority setting device which sets priority of a captured image;

a recording device which records information indicative of the priority set by the priority setting device in association with the captured image when the captured image is recorded; and

a control device which, if the recording medium has an insufficient recording capacity when a new image is captured, erases an image recorded in the recording medium with priority lower than the new image and records the new image in the recording medium,

wherein the priority setting device analyzes the captured image to determine whether the captured image is damaged or not and automatically sets lower priority than a normal image to a probably-damaged image.

12. (original): The digital camera according to claim 11, further comprising a frame number automatic correcting device which assigns frame numbers in order of priority by using the information indicative of the priority.

13. (cancelled).

14. (currently amended): ~~The digital camera according to claim 13, further comprising~~  
A digital camera capable of recording in a recording medium an image captured through an image pickup element, the digital camera comprising:

a device which analyzes a captured image to determine whether the captured image is damaged or not and assigns identification information to a probably-damaged image;

a recording device which records the identification information in association with the captured image when the captured image is recorded; and

a control device which, if the recording medium has an insufficient recording capacity when a new image is captured, erases an image recorded in the recording medium with the identification information and records the new image in the recording medium.